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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/918,955 | 07/31/2001 | Ken Takashima | FUJO 18.888 | 2572 |

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EXAMINER

TORRES, MARCOS L

ART UNIT PAPER NUMBER

2683

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,955

Applicant(s)

TAKASHIMA ET AL.

Examiner

Marcos L Torres

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-2 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beming in view of Kim and further in view of Inoue.

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As to claims 1 and 2, Beming discloses a mobile communications system in a fixed wireless telephone network (see col. 5, lines 27-36), which is configured by at least a fixed network local exchange, a wireless base station controller subordinate to the fixed network local exchange, and a plurality of wireless base station transceiver subsystems subordinate to the wireless base station controller (see col. 1, lines 30-42). Beming does not specifically disclose an inter-controller SW unit relaying voice data and control information, which are exchanged between the wireless base station controller and the plurality of wireless base station transceiver subsystems, between an arbitrary wireless base station controller and an arbitrary wireless base station transceiver subsystem. Kim discloses a unit relaying voice data and control information, which are exchanged between the wireless base station controller and the plurality of wireless base station transceiver subsystems (see col. 4, lines 44-54). Inoue discloses relaying data between an arbitrary wireless base station controller (see col. 7, lines 63-64) and an arbitrary wireless base station transceiver subsystem (see col. 9, lines 42-45). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings for a reliable data communication handling.

Regarding claims 9 and 10, they are the corresponding method claims of system claims 1-2. Therefore, claims 9 and 10 are rejected for the same reason shown above.

5. Claims 3-5 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beming in view of Kim and further in view of Inoue as applied to claims 1-2 and 9-10 above, and further in view of Sasamoto.

As to claims 3 and 4, Beming does not specifically disclose the mobile communications system wherein said controller device determines a routing method for the voice data based on the received control information. Sasamoto discloses mobile communications system wherein said controller device determines a routing method for the voice data based on the received control information (see col. 5, lines 28-33); wherein the wireless base station controller generates control information based on an identifier of a base station transceiver subsystem to which a mobile station belongs, and/or an identifier of the mobile station, and transmits generated control information to said controller unit (see col. 4, lines 53-64). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching to the modified Beming system for a efficient data delivery system.

As to claim 5, Beming does not specifically disclose the mobile communications system wherein the wireless base station controller performs hand-off control via said inter-controller SW unit based on voice quality information from a mobile station. However, OFFICIAL NOTICE IS TAKEN THAT the technique of performing hand-off control based on voice quality information from a mobile station is a common and well-known technique. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this feature to the modified Beming system for an uninterrupted communication.

Regarding claims 11 - 13, they are the corresponding method claims of system claims 3-5. Therefore, claims 11 - 13 are rejected for the same reason shown above.

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6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beming in view of Kim and further in view of Inoue as applied to claims 1-2 and 9-10 above, and further in view of Hanley.

As to claim 6, Beming does not specifically disclose the mobile communications system wherein pluralities of controller units are connected by an optical communications path. Hanley discloses the mobile communications system wherein pluralities of controller units are connected by an optical communications path (see col. 5, lines 10-15). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use this technique in the modified Beming system for a reliable and fast delivery of data.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beming in view of Kim and further in view of Inoue as applied to claims 1-2 and 9-10 above, and further in view of Ishii.

As to claim 7, Beming, Kim and Inoue disclose everything claimed as explained above except for using an ATM communication system. Ishii discloses using an ATM communication system (see col. 4, lines 35-36). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use this technique for the simple purpose of compatibility.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beming in view of Kim and further in view of Inoue and further in view of Ishii as applied to claim 7 above, and further in view of Clancy.

As to claim 8, Ishii does not specifically disclose the mobile communications system wherein the data is exchanged with a composite cell. Clancy discloses the mobile communications system wherein the data is exchanged with a composite cell (see abstract). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine this teaching for the simple purpose of enhanced coverage.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Lu U.S. Patent US005999813A
- b. Miyagawa U.S. Patent US006064892A
- c. McKenna U.S. Patent US006684076B2
- d. Choi U.S. Patent US006295452B1
- e. Sood U.S. Patent US005721762A
- f. Lev U.S. Patent US005987327A
- g. Faerber U.S. Patent US006128513A
- h. Friman U.S. Patent US006594507B1
- i. Menich U.S. Patent 4730187
- j. Yabe U.S. Patent US005404573A

Any response to this Office Action should be mailed to:

Commissioner of Patent and Trademarks
Washington, D.C. 20231

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Or faxed to:

(703) 703-872-9314

For formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA
Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L Torres whose telephone number is 703-305-1478. The examiner can normally be reached on 8:00am-5:30pm alt. friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Marcos L Torres

Examiner

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Mlt


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SUPERVISORY PATENT EXAMINER
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